

Deficiency Progress Report - Update 3

Report submitted December 19, 2008

CUPA: Butte County Environmental Health

Evaluation Date: November 14 and 15, 2007

Evaluators:

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Date update 1 was submitted: February 27, 2008

Deficiencies corrected with update 1: Deficiencies 3, 6, 7, 9, 10, 13, 14, and 15.

Date update 2 was submitted: September 26, 2008

Deficiencies corrected with update 2: Deficiencies 2, 5 and 12.

Date update 3 was submitted: December 19, 2008

Deficiencies corrected with update 3: Deficiencies 4 and 11.

Status of Deficiencies in Progress of being Corrected

4. Deficiency: The CUPA has not established some of the administrative procedures.

Preliminary Corrective Action: By November 15, 2008, the CUPA will submit copies of the administrative procedures required under Title 27, section 15180(e) to Cal/EPA.

CUPA Corrective Action, (Update 1): In progress. Prior to November 15, 2008, we will submit administrative procedures for the areas identified in the Evaluation Summary of Findings:

- Public Participation
- Records Maintenance
- Information requests and methods to prevent the release of confidential and trade secret information

Cal/EPA Response: Cal/EPA feels the CUPA is on track for meeting the November 15, 2008 deadline for establishing the above mentioned administrative procedures.

CUPA Corrective Action, (Update 2): In progress. Prior to November 15, 2008, we will submit the above mentioned administrative procedures.

Cal/EPA Response: Cal/EPA acknowledges the progress the CUPA has made for meeting the November 15, 2008 deadline for establishing the above mentioned administrative procedures. Please provide a copy of the required administrative procedures to Cal/EPA in your next progress report.

CUPA Corrective Action, (Update 3): Complete. See enclosed policy & procedure documents:

- 1) Public Participation Policy (draft pending final department approval)
- 2) CUPA File Processing Procedure
- 3) CUPA Program Excerpt- Butte County Records Retention Schedule
- 4) Record Retention, Purging and Destruction

Cal/EPA Response: Cal/EPA has reviewed the enclosed policy and procedure documents and considers this deficiency as corrected.

Deficiency 8: The CUPA has not fully implemented a single, unified Inspection and Enforcement Program and Plan.

Preliminary Corrective Action: The CUPA shall immediately begin fully implementing a single, unified Inspection and Enforcement Program and Plan. In addition, by November 15, 2008, the CUPA will update their inspection and enforcement guidance document to address this.

CUPA Corrective Action, (Update 1): In progress. We have conducted a training session with all CUPA staff to fully implement our current Inspection and Enforcement Program Plan (IEPP), as contained in our final CUPA application dated December 2004. We recognize that our IEPP must be reviewed and updated as necessary. We will complete this project as soon as possible, before November 15, 2008.

Cal/EPA and DTSC Response: Cal/EPA and DTSC appreciate the progress being made to correct this deficiency and feel the CUPA is on track for meeting the November 15, 2008 deadline for reviewing and updating their Inspection and Enforcement guidance document.

CUPA Corrective Action, (Update 2): In progress. As noted above, we have prepared a draft updated IEPP. We will finalize and implement the updated IEPP by November 15, 2008.

Cal/EPA and DTSC Response: Cal/EPA and DTSC look forward to the implementation of the finalized Inspection and Enforcement Program Plan by November 15, 2008.

CUPA Corrective Action, (Update 3): Complete. We have finalized our updated IEPP and reviewed it with staff.

- **Cal/EPA and DTSC Response:** Cal/EPA and DTSC have are please with the progress Butte County has made with the IEPP, please provide to Cal/EPA the following supporting documentation, Section 17 (employee training) and Appendix 3 (RTC documents) in order to finalize correction of this deficiency.

11. Deficiency: The CUPA is unable to document that all facilities that have received a notice to comply citing violations have returned to compliance within 30 days of notification.

Preliminary Corrective Action: By May 15, 2008, the CUPA will develop a procedure for tracking violations, and return-to-compliance. On February 15, 2008, the corrective action was revised to: By May 15, 2008, the CUPA will develop and begin implementing a procedure for tracking violations and return-to-compliance to ensure that facilities who are cited for violations during inspections have returned to compliance by: 1) submitting a Return to Compliance Certification, 2) by the CUPA following up with the facility beyond during the next routine inspection, or 3) documenting the re-inspection of the facility

CUPA Corrective Action, (Update 1): In progress. As an interim measure, CUPA staff will utilize their Microsoft Outlook Calendar to track reinsertion/return to compliance dates. Prior to May 15, 2008 we will update our SWEEPS activity codes and procedures to track reinspection dates and return to compliance.

Cal/EPA and DTSC Response: Cal/EPA and DTSC accept the interim measure to correct this deficiency and feel the CUPA is on track for meeting the May 15, 2008 deadline.

CUPA Corrective Action, (Update 2): In progress. We plan to utilize the SWEEPS data management system to report CUPA program violations, reinspection/return to compliance. We will need to establish fairly a fairly extensive group of hazardous waste program violation codes to fully utilize the SWEEPS data management system for compliance tracking. We will complete this effort and fully implement the improved tracking system by November 15, 2008. In the interim staff will continue to utilize Microsoft Outlook to track reinspection/return to compliance dates.

Cal/EPA and DTSC Response: Cal/EPA and DTSC appreciate the CUPA's effort to establish a complete violation code and return to compliance tracking system and look forward to its implementation by November 15, 2008.

CUPA Corrective Action, (Update 3): Complete. We have established basic violation codes to track Class I, Class II, Minor, and Other violations, for each program at regulated facilities. Staff will enter these violation codes and reinspection dates in their Inspection Reports and Daily Activity Reports (DARs) for the SWEEPS data management system. Staff will continue to use Microsoft Outlook as a “tickler” system to alert them when reinspections are due.

Return to compliance will be documented in the facility file and SWEEPS data management system upon facility reinspection, and/or receipt of facility “Certificate of Compliance” or other necessary submittals (i.e. updated business plan, etc).

Cal/EPA and DTSC Response: Cal/EPA and DTSC are please with the progress the CUPA has demonstrated and consider this deficiency corrected.